TL6554-05

Jurists Platform at UN Decol. Comittee

INTERNATIONAL PLATFORM OF JURISTS FOR EAST TIMOR

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Statement on East Timor to the UN Special Committee on Decolonization by Pedro Pinto Leite, Secretary-General of IPJET

Mr. Chairman, distinguished Delegates:

The International Platform of Jurists for East Timor wishes to convey to this Committee its concern on the very critical situation taking place in East Timor. For more than 18 years the government of Indonesia has denied the East Timorese their right to self-determination. Now it is clear that Jakarta is losing its infamous war. Similarly to many colonialist regimes the generals of Jakarta are aware of their defeat and intensify the repression in the occupied territory. We urge the United Nations to intervene actively to stop that repression.

I had stated that the Government of Indonesia is losing the war in spite of the abyssal difference of military forces. After many promises Indonesia has not withdrawn its forces from the territory and keeps an occupation army of more than 10,000 men. On the other hand the Timorese armed resistance does not surpass one thousand fighters. The fact is that the Indonesian military in these 18 years has been unable to crush the Timorese resistance. That in itself is already a defeat.

But the Indonesian regime is losing the war in many other fronts. Jakarta planned to win the hearts and minds of the new generation of Timorese, those who did not witnessed the invasion and the subsequent massacres until the end of the 70s. This proved to be wrong. The massacre of Santa Cruz shows that the Timorese youth is willing to fight for freedom. They refuse to be Indonesian, including the few that are being educated in Jakarta. The Javanese colonialists did not learn the lessons of Ho Chi Minh, Amilcar Cabral or Agostinho Neto. But the young Timorese did, and that is why they will lead their country to independence.

The Indonesian administration realizes its failure, and thus increased the repression against the youth and students. During the last months killings, detentions and trials have occurred in East Timor and in Indonesia. Two months ago in the locality of Uelau the military murdered by machine gun fire an unarmed young boy named Marcelo. After playing with his dead body they threw it into a river. In early May eleven persons were arrested for previously demonstrating in Dili before foreign journalists. At least three of them were sentenced to prison for 20 months for allegedly having "planned actions of hostility and hatred against the Indonesian government". In June two young Timorese were sentenced to prison for three years for raising the flag of Fretilin. In May two other Timorese, Antonio Soares Araujo and Jose Antonio Neves, were arrested in Malang in East Java. Jose Antonio is one of the leaders of RENETIL, the Maubere students' resistance movement. He has phoned or faxed IPJET's Secretariat several times to denounce the detention and torture of Timorese. I still remember his calm and courageous voice denouncing the crimes of the Indonesian authorities. Like others, he is now facing prison and torture. IPJET urges this Committee to intervene and seek his release since this case involves the violation of the right to self-determination. We also hope that the UN Special Rapporteur on Summary and Arbitrary Executions, who is visiting East Timor, has been able to investigate the massacre of Santa Cruz and those which followed, including the aforementioned barbarous killing of Marcelo.

Mr. Chairman,

Another area where the Indonesian regime is losing the war concerns religious beliefs. There is no religious war in East Timor. However, the generals have created an artificial religious problem. They forced the East Timorese who were animists to choose one of the five officially accepted religions and are building mosques everywhere in the territory with the expectation that the East Timorese would choose the Islamic religion. Jakarta hoped that with a majority of Muslims, integration would be facilitated. However, the East Timorese chose Catholicism which became another form of protest against the occupation. Most of the Catholic priests in East Timor are allies in the political and cultural resistance to the invader. Bishop Carlos Ximenes Belo is one of the best examples. During interviews in the last months with foreign journalists and parliamentarians who visited him, he has reaffirmed his support to a UN-supervised referendum in East Timor. As you certainly recall, he appealed for a referendum to Mr. Perez de Cuellar in a letter dated February, 1989.

In reply, the Indonesian military have augmented the repression on the clergy in East Timor. Many priests have been threatened and persecuted. Bishop Belo is also being a victim of such persecution. Recently, he told a visitor how the Indonesian military had tried twice to assassinate him. Just a few days ago, Agence France Press reported that soldiers committed sacrilege in a Catholic church by stamping on sacred communion wafers. Such gratuitous act reveals the desperation of the military before this particularly sensitive defeat.

The Indonesian regime is also losing the war on East Timor at home. For years, due to the curtain of silence around East Timor and the censorship of the media, the Indonesian Government managed to keep its own citizens ignorant about what was going on in the occupied territory. The tables turned after the massacre of Santa Cruz and the trial of Xanana Gusmao. More and more Indonesian personalities and organizations are publicly questioning the occupation of East Timor. One of the leading figures in this anti-colonialist movement is Dr. George Aditjondro, of the Satya Wacana Christian University, in Salatiga. Taking into account these developments some Indonesian newspapers increased their reports on East Timor.

Again, a new wave of repression was the government's reaction. As you know, many people have been arrested these last weeks in Indonesia for expressing opposition to the military dictatorship. others, like Dr. Aditjondro, were repeatedly threatened. On June 21, the government shut down three influential magazines (Tempo, DeTik and Editor). Six days later the detention of dozens of civic leaders was ordered during a non-violent protest against this censorship.

According to the New York Times, "Diplomats and human rights advocates said the closing of the magazines was the most serious blow to freedom of the press in Indonesia in decades ... " (NYT, 6/23/94). IPJET welcomes the quick reaction of the American press and the very recent and strong protest of many organizations, like Friends of the Earth, National Wildlife Federation, Robert F. Kennedy Memorial Center for Human Rights, Greenpeace, Lawyers Committee for Human Rights and Human Rights Watch/Asia.

Finally, the Indonesian dictatorship is also losing the war in the diplomatic front particularly in ASEAN and in other countries of their own region. In Bangkok, more than a hundred Asian human rights organizations have made a strong appeal for the self-determination of East Timor. In Manila, the Asia-Pacific Conference on East Timor, of which IPJET was a co-convenor, has reached the front pages of many Philippine newspapers for three weeks despite of desperate attempts by Jakarta to stop it. Other petitioners will certainly elaborate on the significance of the Manila conference and its conclusions. Just two weeks ago, in Kuala Lumpur, a special forum on East Timor organized by a group of 30 NGOs, criticized the governments of the ASEAN countries for tolerating human rights violations like those in East Timor. We heartily welcome the recent words of Hussein Ali, president of the opposition Malaysian Popular Party: "Every thing is done in the name of the solidarity between ASEAN members, but ASEAN should not be used to conceal human rights violations and genocide". The also recent and also laudable stance of the Parliament of New Zealand, demanding the right of self-determination for East Timor, signifies another defeat for the Indonesian diplomacy.

Mr. chairman,

In IPJET's petition of 1991 I welcomed the success achieved by the Namibian and the Saharwi peoples in their struggle for self-determination. Last year, I witnessed the Eritrean independence. Those cases confirm a future solution for the question of East Timor pursuant to the rule of Law. I am very glad to be able to add the name of South Africa to that list now. The apartheid regime implied also a clear violation of the right of the people of South Africa to self-determination. During many decades, as with Namibia, the Western Sahara and Eritrea, colonialist forces were repeating that the situation in South Africa was irreversible. ANC and the anti-apartheid solidarity movement knew better. Until very recently, Nelson Mandela was a political prisoner; he is now the president of a new South Africa.

IPJET initiated an appeal addressed to the UN Secretary-General urging him to intervene and exercise his influence in order to obtain the immediate and unconditional release of Xanana Gusmao and of all other detained East Timorese. We have collected 1,873 signatures from mainly legal professionals, government officials and public figures of around 40 countries from all the continents. Among them are 50 parliamentarians, two former foreign ministers, diplomats, judges of Supreme Courts, bishops, heads of universities and law schools and leaders of more than 30 NGOs. I hereby deliver to you, Mr. Chairman, the

product of this appeal. As Nelson Mandela, Xanana Gusmao has to have the main role in the solution of the East Timorese problem.

As the Economic and Social Council stated in paragraph 2 of its resolution 1978 (LIX) of 31 July 1975 (a few months before the Indonesian invasion of East Timor), "the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the struggle of colonial peoples to achieve freedom and independence entails, as a corollary, the extension by the United Nations system of organizations of all the necessary moral and material assistance to the peoples of the colonial territories and their national liberation movements". Now that the problem of East Timor is reaching a decisive moment, I am confident that this Committee will promote a stronger assistance of the United Nations Organization to the martyred people of East Timor.

Thank you so much.